REMARKS

Claims 1-117, 119, and 121-161 remain in the application for consideration by the Examiner.

Reconsideration and withdrawal of the outstanding restriction requirement are respectfully requested in light of the following remarks.

The Office Action alleges that the application includes claims to be patentably distinct groups including Group I, Claims 1-8, 39-44, 65-67, 113-117, 119, and 156-161, directed toward Figure 5A-5C, Group II, Claims 1, 9-13, 35-38, 54-56, 71, 77, and 85-89, directed toward Figure 15; Group III, Claims 1, 14-28, 77, 90-104, 131, 132, 143, and 144 directed toward the top of Figure 6A; Group IV, Claims 1, 14, 29-31, 77, 90, and 105-107, directed toward the bottom of Figure 6A; Group V, Claims 1, 32-34, 61-64, 77, and 108-112, directed toward Figure 20; Group VI, Claims 48-50, 68-70, 121-123, 133-142, and 145-155, directed toward Figure 6A; Group VII, Claims 57-60, directed toward Figure 18A; Group VIII, Claims 45-47, 51-53, 73-84, and 124-129, directed toward Figure 23; and Group IX, Claim 130, directed toward Figures 20-23.

At the onset, Applicant(s) note(s) that 35 U.S.C. § 121, the basis for a restriction requirement, provides for restriction only if two or more independent and distinct inventions are claimed in one application. While § 802.01 of the MPEP indicates that a restriction between independent or distinct inventions is permissible, such section of the MPEP is clearly erroneous in view of the plain and unambiguous language of 35 U.S.C. § 121.

A review of the Office Action reveals that the Examiner has failed to clearly indicate how the subject matter recited in the claims in issue relating to the respective groups represents both independent and distinct inventions as required by 35 U.S.C. § 121.

In this connection, the above noted section of the MPEP defines the term "independent" as meaning that there is no disclosed relationship between the two or more subjects disclosed. That is, they are unconnected in design, operation or effect. Surely, the Examiner is not contending that the respective embodiments recited in the claims in issue have no undisclosed relationship, for if such were the case, the Examiner's contention is clearly without merit, as a review of the instant application reveals.

Further, presuming *arguendo* that the Examiner could establish that the subject matter recited in the claims in issue relates to both, independent and distinct inventions, as required by statute, once again, Applicant(s) note(s) that, as pointed out by § 803 of the MPEP, if a search and examination of the entire application can be made without serious burden, the Examiner must examine the application on the merits, even though the application includes claims of two distinct or independent inventions.

A review of the Office Action reveals that the Examiner has failed to provide any indication as to how or why a search and examination of Claims 1-117, 119, and 121-161 in the instant application, would create a serious burden on the part of the U.S. Patent and Trademark Office.

In order to comply with the Examiner's requirement, Applicant(s) provisionally elect(s), with traverse, for prosecution on the merits, Group I, Claims 1-8, 39-44, 65-67, 113-117, 119, and 156-161 which are drawn to Figures 5A and 5C.

The Examiner alleges that Figures 1, 2, 3, and 4A-4C should be designated prior art.

Applicants respectfully traverse this allegation.

It is noted that Figures 1, 2, 3, and 4A-4C are not discussed in the Background of the Invention and in fact the Examiner's attention is directed to page 8 where Applicants have described Figure 1 as a block diagram logically illustrating the manner

in which a low voltage transistor can be used as a high voltage environment according to an aspect of the present invention.

Since the Examiner has not cited any part of the specification which supports the Examiner's allegation, Applicants respectfully submit that the Examiner has used his own judgment in determining what is prior art.

Figures 1, 2, 3, and 4A-4C relate to the presently claimed invention.

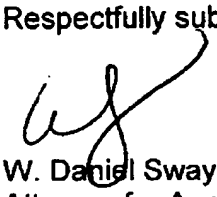
In view of the foregoing remarks, reconsideration of this application is respectfully requested, and an early and favorable action upon all the claims is earnestly solicited.

Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, Applicant(s) petition(s) for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 20-0668 of Texas Instruments Incorporated.

To the extent necessary, Applicant petitions for an Extension of Time under 37 CFR 1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments Incorporated, Account No. 20-0668.

Respectfully submitted,



W. Daniel Swayze, Jr.
Attorney for Applicant
Reg. No. 34,478

Texas Instruments Incorporated
P.O. Box 655474, MS 3999
Dallas, TX 75265
(972) 917-5633